

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 1402 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PURBAI GOVIND PINDORIA

Versus

KISHOR RAMJI SONI

Appearance:

MR YS MANKAD for Petitioners

MR NV ANJARIA for Respondent No. 1

MR BD DESAI, LD. APP with MR. MR ANAND, LD. PP for
respondent no.2.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 18/07/96

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. B.D. Desai, Ld. A.P.P. with Mr. M.R. Anand, Ld. P.P. for the respondent no.2 - State and Mr. Anjaria, L.A. for the respondent no.1.

Mr. Y.S. Mankad, learned advocate for the

petitioners has shown to this Court counter foil books indicating that receipts were being issued. He has also shown to this Court receipts of money orders indicating that the rent was at a later point of time tendered by sending money orders. The petitioners are, therefore, set at liberty to move an appropriate application before the learned Magistrate to drop the proceedings against accused persons by producing this evidence, bearing in mind the fact that the complaint sets out only the general allegations of non-issuance of receipts. As and when such an application is moved, the same shall be dealt with and decided in accordance with law. It will be open to the petitioners to move an appropriate proceedings in case the order on the application moved by the petitioners is against them.

The petitioner shall be on exemption before the learned Magistrate till the application is decided as aforesaid and for a further period of one month in case the decision is against the petitioners.

Subject to aforesaid directions, rule is discharged.

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